



United States District Court
Central District of California
Western Division

JOSEPH McNICHOLAS,

Plaintiff,

v.

LOYOLA MARYMOUNT
UNIVERSITY,

Defendant.

CV 17-00386 TJH (Ex)
REDACTED AS TO
FOREPERSON SIGNATURE

Verdict

We, the jury, unanimously find the following:

Question 1

Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that Defendant Loyola Marymount University interfered with his rights under the Family and Medical Leave Act by failing to reinstate him to the same or comparable position upon his return from leave on November 11, 2015?

Yes _____ No

1 **Question 2**

2 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
3 Defendant Loyola Marymount University interfered with his rights under the Family
4 and Medical Leave Act by terminating his employment?

5
6 Yes _____ No ✓
7
8

9 **Question 3**

10 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
11 Defendant Loyola Marymount University interfered with his rights under the California
12 Family Rights Act by failing to reinstate him to the same or comparable position upon
13 his return from leave?

14
15 Yes _____ No ✓
16
17

18 **Question 4**

19 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
20 Defendant Loyola Marymount University interfered with his rights under the California
21 Family Rights Act by terminating his employment?

22
23 Yes _____ No ✓
24
25
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1 **Question 5**

2 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
3 Defendant Loyola Marymount University retaliated against him for exercising his rights
4 under the Family and Medical Leave Act?

5
6 Yes _____ No

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9 **Question 6**

10 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
11 Defendant Loyola Marymount University retaliated against him for exercising his rights
12 under the California Family Rights Act?

13
14 Yes _____ No

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16 If the answer to either Question 5 or Question 6 is "Yes," go to Question 7. If
17 the answers to both Question 5 and Question 6 are "No," go to Question 8.

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20 **Question 7**

21 Did Defendant Loyola Marymount University prove by a preponderance of the
22 evidence that Defendant Loyola Marymount University would have reached the same
23 decision to discharge Plaintiff Joseph McNicholas if Defendant Loyola Marymount
24 University had not considered Plaintiff Joseph McNicholas's complaints that Defendant
25 Loyola Marymount University's interfered with his rights under the Family and
26 Medical Leave Act and California Family Rights Act?

27
28 Yes _____ No _____

1 **Question 8**

2 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
3 Defendant Loyola Marymount University wrongfully discharged him in violation of
4 public policy?

5
6 Yes _____ No ✓

7
8 **Question 9**

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10 Did Plaintiff Joseph McNicholas prove by a preponderance of the evidence that
11 Defendant Loyola Marymount University discharged him for reporting violations of the
12 Family and Medical Leave Act or the California Family Rights Act, in violation of
13 California Labor Code § 1102.5?

14
15 Yes _____ No ✓

16
17 If the answer to Question 9 is "Yes," go to Question 10. If the answer to
18 Question 9 is "No," go to Question 11.

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20 **Question 10**

21 Did Defendant Loyola Marymount University prove by clear and convincing
22 evidence that it would have discharged Plaintiff Joseph McNicholas anyway for
23 legitimate, independent reasons other than reporting violations of the Family and
24 Medical Leave Act or the California Family Rights Act?

25
26 Yes _____ No _____

1 **Question 11**

2 If you found Defendant Loyola Marymount University liable, what damages, if
3 any, is Plaintiff Joseph McNicholas entitled to recover from Defendant Loyola
4 Marymount University:

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6 Lost Past Income: \$ 0.00 Zero Dollars

7
8 Lost Future Income: \$ 0.00 Zero Dollars

9
10 Date: 11/02/18

11 / S/ _____
12 _____
13 Jury Foreperson

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